



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

July 25, 1978

ATTORNEY GENERAL OPINION NO. 78- 248

Mr. Nick A. Tomasic
District Attorney
710 North Seventh Street
Kansas City, Kansas 66101

Re: Elections--Candidate Committees--Disclosure

Synopsis: Under K.S.A. 1977 Supp. 25-901, a committee supporting a candidate seeking election to local political office must report in detail from whom each contribution or receipt was received. The reporting of aggregate receipts from a fund-raising dinner or like event, without disclosing the identity of contributors, purchasers of tickets and others making contributions to the candidate, is not sufficient under this section.

* * *

Dear Mr. Tomasic:

K.S.A. 1977 Supp. 25-901 provides in pertinent part thus:

"Every committee, club, organization, municipality or association designed to promote or engaged in promoting the success or defeat of any party or the election or defeat of any candidate or candidates for any city, school district, community junior college, township or county office . . . shall have a treasurer, and shall cause to be kept a detailed account of all moneys or property or other thing of value received by it, and

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of the manner in which the same shall be expended; and shall file annually with the county election officer of the county in which such committee, club, organization or association has its headquarters a statement of all its receipts and expenditures, showing in detail from whom said moneys or property or other thing of value were received, to whom said moneys or property or other thing of value were paid, for what specific purpose each payment was made, and the exact nature of the service rendered in consideration thereof."

You raise the question of the detail with which contributions and other receipts of a candidate's committee must be reported under this section. You advise that statements filed by the treasurers of various candidates' committees with the county election officer of Wyandotte County commonly list a total amount received from a given dinner, fund-raising rally or like event. They do not list the names of persons making contributions or purchasing tickets, or the amounts contributed or paid by identified persons in connection with such functions.

Accordingly, you inquire whether, assuming a candidate's committee sponsors a fund-raising function of some type, and sells tickets therefor, which entitle the ticket holder to participate in the fund-raiser for no additional or other charge, the committee must report each and every ticket sold and the name and address of the purchaser, or is it sufficient for the committee to list only the total receipts for tickets sold for the function. In an opinion dated June 6, 1972, Attorney General Vern Miller stated that contributions and other receipts should be reported under this section with sufficient specificity to identify each contributor.

The report must include a "statement of all its [the committee's] receipts and expenditures," and show "in detail from whom said moneys or property or other thing of value were received." A statement which recites merely a total amount as being received in proceeds from a dinner or other fund-raising event does not show from whom any money was received whatever. If, i.e., a committee receives \$2,000 from a dinner, it must show "in detail from whom" that money was received. This language speaks for itself, in my judgment. A detailed statement of receipts which is required by this section must disclose the donor of each separate contribution, and thus the purchaser of each ticket to the event.

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The payment for each ticket or group of tickets purchased by an individual is itself a receipt of the committee, and the section requires that the statement show "in detail from whom" the committee's receipts were received. A disclosure of only the aggregate total received from a dinner would clearly not disclose from whom any of those moneys were received whatever.

The section is similarly precise regarding reporting of the expenditures of committees. All the expenses of such a fund-raising function must likewise be reported. The statement must disclose "to whom said moneys or property or other thing of value were paid, for what specific purposes each payment was made, and the exact nature of the service rendered in consideration thereof."

You raise the further question whether a candidate's committee might be assigned a multitude of tasks relating to the campaign and fund-raising therefor, such as publicity, ticket printing and distribution, and the like, and at the same time provide that all contributions, donations, and ticket payments would be made directly to the candidate, rather than the committee. Surely, in order to support its efforts in behalf of the candidate, the committee must have some income. If members of the committee, e.g., were to pay the expenses of the committee out of their own pockets, and be reimbursed by the candidate out of contributions, ticket proceeds and other donations which the candidate has received directly and not through the committee, the committee would then be required to report its receipts from its own members which were used to defray its expenses, and the moneys paid to the committee by the candidate by way of reimbursement of these payments. The candidate is not personally subject to the reporting requirements of K.S.A. 25-901, although the candidate must file a statement of expenditures under K.S.A. 1977 Supp. 25-904.

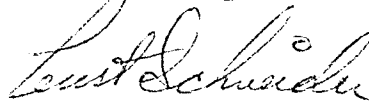
Likewise, if the candidate or his or her treasurer, not the treasurer of the candidate's committee, receives all contributions and donations, including payments for tickets for fund-raising events, these receipts are properly attributable only to the candidate or his or her treasurer, who in fact receives them. The candidate and his or her treasurer is not required to file a report of receipts under K.S.A. 25-901, for that section applies only to committees. If the candidate or the candidate's treasurer, in turn, pays over to the committee a lump sum total of his or her receipts, the committee then need list only the candidate or candidate's treasurer as the donor or contributor in its reports.

This statute appears to have been first enacted in 1911, and to have been little changed since that time. As indicated above,

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the reporting requirements may readily be circumvented entirely lawfully if contributions are made directly to the candidate or his or her treasurer, rather than to the committee itself. Obviously, the statute deserves legislative review, if meaningful disclosure of local candidates' campaign financing is to be enforced. At the same time, many candidates for local offices may lack the relatively sophisticated accounting resources necessary to comply with a strict and demanding reporting requirement, and qualified persons may be discouraged from seeking public office by overburdensome requirements applicable to local races. These competing considerations should be studied by the legislature, in order to strike a reasonable balance between public disclosure, and the often limited administrative resources of local political candidates.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj